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UNCLAS SANTO DOMINGO 004211

SIPDIS

DEPT FOR WHA/CAR, WHA/ESPC, ED/TPP/IPE; DEPT PASS USTR;
USDOC FOR USPTO (BOLAND)
DEPT PASS LIBRARY OF CONGRESS COPYRIGHT OFFICE; WHITE HOUSE
FOR USTR FOR R. VARGO, A. MALITO, B. PECK

E.O. 12958: N/A

TAGS: KIPR ETRD EINV DR

SUBJECT: DOMINICAN COPYRIGHT OFFICE TALKS TOUGH

REF: 05 SANTO DOMINGO 2448

¶11. In April Embassy Santo Domingo reported a raid by the District Attorney's Office on the headquarters of the aptly named Dominican television station "Virus." Virus had been guilty of broadcasting pirated material and officials confiscated equipment from the station, leaving it temporarily unable to broadcast any programming.

¶12. The Virus closure, while temporary--Virus was off the air for less than two weeks--was a promising development for enforcement of intellectual property laws in a country the United States has been pushing for more than two decades to stop broadcast piracy. The closure was also notable, however, for the fact that it did not involve ONDA, the national copyright office responsible for ensuring that such violations of IPR do not occur.

¶13. Almost four months after the Virus closure, it appears that ONDA might be rising to meet its responsibilities. On August 21, ONDA and the Dominican Cable Television Association (ADOCASA) published an agreement in Listin Diario, a major Dominican daily, whereby both parties agree to the general principles governing copyright protection and commit to upholding those principles. Specifically, the agreement states that:

-- ONDA and ADOCASA will work together to fight broadcast piracy.

-- ONDA grants cable companies 45 calendar days from the date of publication of the announcement to "modify their business structure" to comply with regulations. Specifically, the time is granted to allow companies to fix programming and notify customers of the changes.

-- At the end of the 45-day grace period, ONDA commits to inspecting broadcasters across the nation for compliance.

-- When violations are found, ONDA will apply sanctions in accordance with Dominican law, including closure of businesses.

¶14. Three days after the announcement, daily El Caribe ran an editorial celebrating ONDA's tougher, more public posture on doing its job. The editorial stated, (quote) Finally, the authorities have decided to confront (television broadcast) piracy in the country. The practice (piracy) has grown to such a degree that it was necessary to allow violators a grace period of 45 days. We hope that following the expiration of the 45-day "license to violate the law," the authorities will act without hesitation.(end quote)

¶15. The big question really is whether or not ONDA means business. This is the strongest indication we have seen under ONDA's present direction that it does. And it couldn't have come at a more opportune time. With the regional free trade agreement CAFTA ratified last week by the Senate and just today approved by the House of Representatives, the Dominicans have their work cut out for them to carry out their commitments under the agreement, one of the biggest being IPR protection.

HERTELL